

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JEAN LUNIQUE GEFFRARD,

Petitioner,

V.

UNITED STATES IMMIGRATION,

Respondent.

Civil Action No. 09-302 Erie

MEMORANDUM ORDER

Petitioner's "Motion to Order Immediate Release" [1] was received by the Clerk of Court on December 7, 2009 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates. On December 22, 2009, the Magistrate Judge, construing the motion as a petition for habeas corpus relief, entered an order [2] directing the Petitioner to re-file his "motion" as a petition for writ of habeas corpus on the proper forms and with appropriate allegations and to either file an *in forma pauperis* motion or pay the required filing fee. The Petitioner was given until January 10, 2010 to undertake these measures or suffer dismissal of the action for failure to prosecute.

Judge Baxter's Report and Recommendation, filed on February 24, 2010 [3], recommends that the instant petition for writ of habeas corpus be dismissed for failure to prosecute, inasmuch as Petitioner has failed to comply with the terms of the December 22, 2009 order. Petitioner was allowed ten (10) days from the date of service in which to file objections. Service was made on Petitioner by certified mail at the York County Prison in York, Pennsylvania, his last known address of record. Petitioner has filed no objections to Magistrate Judge Baxter's Report and Recommendation.

After de novo review of the petition and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 6th day of April, 2010;

IT IS ORDERED that the Petition for Writ of Habeas Corpus be, and hereby is, DISMISSED for Petitioner's failure to prosecute.

The Report and Recommendation of Magistrate Judge Baxter, filed on February 24, 2010 [3], is adopted as the opinion of the Court.

s/ Sean J. McLaughlin

SEAN J. McLAUGHLIN
United States District Judge

cm: Jean Lunique Geffrard
134397
York County Prison
3400 Concord Road
York, PA 17402

U.S. Magistrate Judge Susan Paradise Baxter